

**Remarks**

The present application includes claims 1-12, 18-19, 23-51, 55-62, 79, 83-84, 89-90, 92-96, 100-102, 106-108, 111-122, 125, 129, 139, 140-149, 154-156, 161-165, and 168-198. Claims 1-12, 18-19, 23-51, 55-62, 79, 83-84, 89-90, 92-96, 100-102, 106-108, 111-122, 125, 129, 139, 140-149, 154-156, 161-165, and 168-198 have been rejected by the Examiner. By this response, claims 1, 5, 6, 7, 8, 42, 46, 118, 119, 120, 154, 164, 165, 171, 195, and 196 have been amended.

**Specification**

The Examiner has objected to the specification as filed to provide proper antecedent basis for the claimed subject matter. The Examiner asserts that the specification does not disclose control firing speed, control firing direction, and control of the trajectory of a ball after it is fired, as claimed in claims 2, 3, and 4, respectively. However, the Applicant respectfully disagrees and refers the Examiner to support for player control in the specification at least at page 2, lines 6-10 and 20-27; page 13, lines 15-22; and page 15, lines 11-16 (original claims 2-4 as filed). The Examiner also asserts that the specification does not disclose "each credit bet in any one game by a player buys one ball" as claimed in claim 6. However, the Applicant respectfully disagrees and refers the Examiner to support found in the specification at least at page 2, lines 28-32; page 8, lines 27-28; and page 15, lines 17-21 (original claims 5-6 as filed).

Thus, the Applicant respectfully requests that the Examiner's objection be withdrawn.

**Claim Objections**

The Examiner has objected to claims 154-156 under 35 CFR 1.75(c) as being improper due to their dependence on canceled claim 153. By this response, claims 154-156 have been amended to depend from currently pending claim 149. Thus, the Applicant respectfully submits that the Examiner's objection should be withdrawn.

The Examiner has also objected to claims 1, 5-8, 42, and 46 because of several informalities regarding the use of "a", "an", and "the" in the claims. By this Response, the Applicant has amended the claims as suggested by the Examiner. Thus, the Applicant respectfully submits that the Examiner's objection should be withdrawn.

**Claim Rejections – 35 USC 112**

The Examiner has rejected claims 118-122, 144-148, 161, 164-165, 171-190, and 195-196 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner objects on the grounds of insufficient antecedent basis. By this Response, the Applicant has amended the claims as suggested by the Examiner. Thus, the Applicant respectfully submits that the Examiner's rejection has been overcome.

**Double Patenting**

The Examiner has provisionally rejected claims 1-12, 18-19, 23-51, 55-62, 79, 83-84, 89-90, 92-96, 100-102, 106-108, 111-122, 125, 129, 139, 140-149, 154-156, 161-165, and

168-198 on the ground of nonstatutory obviousness-type double patenting over claims 1-60 of copending Application No. 09/092,901 and claims 1-162 of copending Application No. 10/110,289. The Applicant submits that, while there may be some overlap in subject matter and claim coverage, the claimed subject matter in these three copending applications is patentably distinct from one another and is entitled to separate patentability. The Applicant reserves the right to further argue against this provisional rejection in the event that any of the claims at issue in the other applications is patented.

**Claim Rejections – 35 USC 102**

Claims 1-5, 18-18, 118-122, 147, 149, 168, 171-173, 176-187, and 190 are rejected under 35 USC 102(b) as being anticipated by Ugawa (U.S. Patent No. 5,836,819). The Applicant respectfully traverses this rejection for at least the following reasons described below.

Ugawa relates to a game system having a pocket (pachinko) game and a reel game together in a single display. In Ugawa, the game system first determines whether a winning combination for the pocket game has been achieved (S61, S63 in Ugawa), and, subsequently, determines whether a winning combination for the pocket game has been achieved (S56, S57, S60, S65 in Ugawa). The winning combinations are then added together to determine the total winning outcome (credits awarded) for each game (S66, S67, S68, S70B in Ugawa). The Ugawa specification discusses adding a reel prize and a pin and ball prize together to define a total game outcome (column 13, lines 59-62 in Ugawa).

In Ugawa, a ball is automatically flipped into the play field with a variable display device (Abstract and column 13, line 46 in Ugawa). In the pocket or pachinko game, balls are

automatically flipped onto the play field to fall into pockets without user control of firing parameters or further interaction. The random result of the pocket game is then added to the random result of the spinning reel game. A prize is then awarded based on combined game outcome.

In contrast, in the presently claimed game console, player input controls allow the player to initiate motion of ball images on the display. The player input controls allow the player to *initiate firing* of ball images on the display and to *control firing parameters* for the ball images. Such control and input by a player at a game console is not envisioned in the system of Ugawa, where ball release is automatic and the outcome random after the player places a bet. Such control and player input represents not an obvious design choice but rather represents the introduction of player skill and control into a random game of chance. For example, the ability for the player to control ball firing parameters add interest to the game, provide a skill component to an otherwise random activity, and alter determination of a winning outcome.

Thus, for at least these reasons, the Applicant respectfully submits that pending claim 1 and its dependent claims should be allowable over the cited art of record.

Claims 6-12, 23-51, 55-62, 79, 83-84, 89-90, 92-96, 100-102, 106-108, 111-117, 125, 129, 139-146, 148, 161-165, 169-170, 1741-175, 188-189, and 191-198 are rejected under 35 USC 103(a) as being unpatentable over Ugawa. The Applicant respectfully traverses this rejection for at least the following reasons described below.

As discussed above, Ugawa fails to disclose the limitations recited in independent claim 1, from which each of claims 6-12, 23-51, 55-62, 79, 83-84, 89-90, 92-96, 100-102,

106-108, 111-117, 125, 129, 139-146, 148, 161-165, 169-170, 1741-175, 188-189, and 191-198 depends. The automated system of Ugawa similarly fails to render obvious the player control and interaction of claim 1, as amended. Since claims 6-12, 23-51, 55-62, 79, 83-84, 89-90, 92-96, 100-102, 106-108, 111-117, 125, 129, 139-146, 148, 161-165, 169-170, 1741-175, 188-189, and 191-198, the Applicant submits that these claims should also be allowable over the cited art of record.

Rather than being obvious matters of design choice according to a game designer's preference, limitations recited in the dependent claims affect, for example, game play, player interest, game outcomes, game playability, and/or prize awards.

For example, claims 6-8 recite particular relationships between credits bet in a game and balls made available for game play. Such relationships are not disclosed by Ugawa or other cited art of record and impact game odds, game play, and player interest in the game. As recited in claims 7-8, the number of balls provided for the first credit is different from the number of balls provided for subsequent credits in any one game. This adjustment and change in odds of winning (balls available) based on credits bet is not found in the cited art of record.

In claims 9-12, providing colored balls and changing the color of one or more of the balls during game play provides an additional random element to alter game play, player strategy, and interest not obvious from a game designer standpoint. This coloring and change of color is not disclosed in the Ugawa reference. Rather, Ugawa discloses a design screen which allows a single uniform ball color to be preset (column 27, lines 41-51 in Ugawa).

Claim 23 recites varying the number of active balls to be purchased and dropped while maintaining a constant total number of balls being dropped from game to game wherein the total number of balls is independent of the number of active balls dropped. In contrast, Ugawa

simply displays an available ball count to the player based on the game bet (column 16, line 60 – column 17, line 10 in Ugawa). No varying of active balls with a constant total number of balls dropped from game to game is discussed or envisioned. Claims 24-28 further recite various ways to distinguish purchased balls from unpurchased balls. In contrast, Ugawa discusses providing a numerical ball counter or a light-up ball picture only displaying balls to be used in one game. Unpurchased balls are not represented (column 13, lines 9-17 in Ugawa).

In claims 29-46, functions or characteristics are associated with the balls. These functions or characteristics may vary from game to game, may be selected by the player, etc. In Ugawa, the uniform type and color of balls on the screen may be preset (column 27, lines 41-51 and column 28, lines 31-36 in Ugawa) for play by a player who bets credits, but the balls do not possess particular functions or characteristics affecting game play. Such affects on game play, rather than simply being obvious design choices, impact game play, game outcomes, and attractiveness to the player and are not disclosed by the prior art of record.

Additionally, the further limitations recited in dependent claims 48-51, 55-62, 79, 83-84, 89-90, 92-96, 100-102, 106-108, 111-117, 122, 125, 129, 139-146, 148, 161-165, 169-170, 174, 175, 188-189, and 191-198 represent novel aspects which would not be obvious as design choices when viewed in combination with the limitations recited in claim 1 and other intervening claims.

Thus, for at least these reasons, the Applicant respectfully submits that pending claim 1 and its dependent claims should be allowable over the cited art of record.

**CONCLUSION**

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any additional fees or credit overpayment to the Deposit Account of MHM, Account No. 13-0017.

Respectfully submitted,

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